

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
DELTA DIVISION**

CYNTHIA TUCKER

PLAINTIFF

VS.

CIVIL ACTION NO.: 2:10CV106-DAS

**MICHAEL J. ASTRUE,
COMMISSIONER OF SSA**

DEFENDANT

FINAL JUDGMENT

This cause is before the court on the Plaintiff's complaint for judicial review of an unfavorable final decision of the Commissioner of the Social Security Administration denying her claim for Supplemental Security Income payments. The parties have consented to entry of final judgment by the United States Magistrate Judge under the provisions of 28 U.S.C. § 636(c), with any appeal to the Court of Appeals for the Fifth Circuit. The court, having reviewed the administrative record, the briefs of the parties, and the applicable law and having heard oral argument, finds as follows, to-wit:

Consistent with the court's oral ruling following the parties' oral argument, the decision of the Commissioner of Social Security should be reversed, and the case should be remanded for further proceedings. The ALJ's determination at step two of the sequential evaluation process that the claimant's vision problem was a non-severe impairment is not supported by substantial evidence. On remand, the ALJ shall refer the claimant for a consultative neuro-ophthalmic evaluation in accordance with the recommendations of Drs. Christopher Hogan and T. Kevin Braswell. The ALJ shall consider the results of such an examination in determining to what extent the claimant's vision problem affects her ability to perform work activity. And, if

necessary, the ALJ shall make specific findings with regard to the visual acuity required to perform other work at step five. The ALJ may conduct any additional proceedings not inconsistent with this order.

IT IS, THEREFORE, ORDERED AND ADJUDGED that this case is **REVERSED** and **REMANDED** for further proceedings.

This, the 9th day of June, 2011.

/s/ David A. Sanders
U. S. MAGISTRATE JUDGE